

PATENT

VT0282-US4

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

"Using Photo-Plethysmography to Monitor Autonomic Tone and Perform Pacing Optimization Based on Monitored Autonomic Tone"

the specification of which

- ☒ is attached hereto
- ☐ was filed on _____ as Application Serial No. _____
and (a) [other than supplemental] was amended on or (b) [supplemental with amendments through _____]

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

			Priority Claimed	
			<input type="checkbox"/>	<input type="checkbox"/>
Number	Country	Day/Month/Year Filed	Yes	No

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

10/208,081	July 29, 2002	Pending
09/467,298	December 17, 1999	Patented
09/438,017	November 10, 1999	Patented
Application Serial No.	Filing Date	Status

(patented, pending, abandoned)

I hereby appoint the following attorneys, or agent and attorneys, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

PATENT

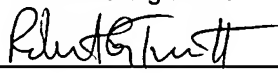
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Steven M. Mitchell, Registration No. 31,857

Address all telephone calls to Steven M. Mitchell (408) 522-6101.

Address all correspondence to Jeanne Guynes, Pacesetter, Inc., 701 E. Evelyn Avenue, Sunnyvale, California 94086.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of Sole or Joint Inventor Robert Turcott	Inventor's Signature 	Date 1/20/04
Residence 938 N. Clark Ave. Mountain View, CA 94040	Citizenship USA	
Post Office Address Same as above		